



## SENIOR & LONG TERM CARE DIVISION COMMUNITY SERVICES BUREAU

### MEDICAID HOSPICE POLICY MANUAL

**Section: ELIGIBILITY FOR SERVICES**

**Subject: Medicaid Hospice  
Fair Hearing Policy**

**References: ARM 37.40.1426**

### **REQUIREMENT**

Any Medicaid provider or Medicaid member may appeal any adverse decision made by the Department which is felt to have affected the amount or scope of Medicaid payments received and/or eligibility for Medicaid.

### **ADVERSE ACTION**

An adverse decision means:

1. A failure of the Department to provide a claimant an opportunity to make application for benefits;
2. A failure of the Department to act promptly on a claimant's application for benefits;
3. A decision by the Department denying, suspending, reducing or terminating benefits of a claimant;
4. A decision by the Department establishing conditions on the manner or form of benefits, including restrictive or protective payments, or establishing conditions for the receipt of benefits, including a work requirement;
5. A decision by the Department to deny, terminate or fail to renew certification or a provider agreement for the Medicaid program for any skilled nursing facility or intermediate care facility;
6. A decision by the Department to deny, suspend, revoke or terminate or fail to renew certification, licensure or the registration certificate of the provider;

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7. A decision by the Department establishing the rate of reimbursement for a medical assistance provider or denying in whole or part a medical assistance provider's claim for services or items; or
8. A decision by the Department or determination with respect to which a right to hearing is specifically granted by Department rule, but for which a hearing process is not otherwise provided.

### **REQUESTING FAIR HEARINGS**

A Member, provider or his official representative must request a hearing in writing and mail the request to the Department of Public Health and Human Services, Hearings Officer, P.O. Box 202951 Helena, MT 59620. A provider request must be postmarked or delivered to the Department no later than 30 calendar days following the date of notice of the determination. An applicant or Member request must be postmarked or delivered no later than 90 calendar days following the date of Notice of Determination.

### **CONDUCTING FAIR HEARINGS**

The Department's Hearings Officer conducts Fair Hearings. Decisions by the Hearings Officer are binding and must conform to federal and state laws, regulation or policy and must be based exclusively on evidence and other material introduced at the hearing. A Fair Hearing will be preceded by an administrative review of the action. A pre-hearing conference may be held at the request of the Hearing Officer or the parties requesting the hearing.

### **ADMINISTRATIVE REVIEW**

The purpose of the administrative review is for the Department to reconsider its proposed action. The requestor of the hearing will review the matter with the Department representative, present additional information to the Department concerning the action, and obtain additional explanations from the Department on the reasons for the action. The Department will inform the individual of the determination after the administrative review has been completed.

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**PRE-HEARING  
CONFERENCE**

The purposes of the pre-hearing conference are to consider simplification of the legal and factual issues in preparation for the hearing, obtain admissions of fact and documents, explore the possibility of settlement, establish what evidence and witnesses will be presented, and discuss any other matters which may aid in disposing of the Fair Hearing.